

which said statement, contained in the label upon each of the bottles, deceived and misled the purchaser into the belief that the article of food aforesaid was brewed from the finest malt and hops, whereas, in truth and in fact, it was not brewed from malt and hops alone, but contained a certain cereal or cereal product which had been substituted wholly or in part for the article of food aforesaid. Misbranding was alleged for the further reason that said statement contained in the label on each of the bottles and the pictorial representations aforesaid were false and misleading, in that said pictorial representations and said statements in the label represented to the purchaser that the article was an article of food known as Old Fashion Lager Beer, which had been brewed from the finest malt and hops, whereas, in truth and in fact, it was not brewed from malt and hops alone, but contained a certain cereal or cereal product which had been substituted in part for the article of food aforesaid.

On October 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1914.

**3136. Adulteration and misbranding of West Baden Sprudel Water. U. S. v. 28 Cases of West Baden Sprudel Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5269. S. No. 1851.)

On June 28, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 cases, each containing 24 bottles of so-called West Baden Sprudel Water, remaining unsold in the original unbroken packages and in the possession of Levi & Ottenheimer, Cincinnati, Ohio, alleging that the product had been shipped from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Ask your druggist for West Baden Sprudel Water—Twenty-four large—The World's Greatest Aperient—Price 35 cents. (Trade Mark) Bottled at the springs only by The West Baden Springs Company, West Baden, Indiana.—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 9857; Levi & Ottenheimer, Cincinnati, Ohio.—From The West Baden Springs Co., West Baden, Indiana." (On neck of bottle) "Strictly fireproof, West Baden Springs Hotel, Open all the year. Eighth wonder of the world." (Principal bottle label consists of three panels) (First panel) "Analysis by the Columbus Laboratories of Chicago. 'Renders excellent service in all nutritional disturbances such as gout, rheumatism, uric acid, diabetes, obesity, etc., by its active influence on tissue metamorphoses, possessing ingredients essential to the process of osmosis, combustion, digestion, secretion and increasing oxidation and elimination.'" (Middle panel) "Ask your druggist for West Baden Sprudel Water, The World's Greatest Aperient. (Design—Trade Mark) Price 35 cents—Bottled at the springs only by The West Baden Springs Company, West Baden, Indiana—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 9857." (Third panel) "West Baden Sprudel Water is a Sulphated, Saline Hydragogue cathartic. The chloride of sodium, causing an increase of flow of gastric juice, bile, pancreatic juice and intestinal fluid, promotes appetite and aids in the process of digestion. The sulphate of sodium and magnesium directly stimulate the action of the intestines thus promoting the easy and painless removal of waste products from the system; they thus become useful in catarrh of stomach, intestinal

sluggishness, torpid liver and constipation. Dose: As a purgative, four ounces (eight tablespoonsful) and as a laxative, two ounces (four tablespoonsful) best taken in a tumbler of hot or cold water half an hour before breakfast."

Adulteration of the product was alleged in the libel for the reason that it contained and in part consisted of a filthy and decomposed animal substance. Misbranding was alleged for the reason that the aforesaid labels on the bottles and cases bore certain statements, designs, and devices regarding the article and the ingredients and substances contained therein, which said statements, designs, and devices, to wit, the name "West Baden Sprudel Water," together with the pictorial representations on the labels, were false, misleading, and deceptive, in that they represented, imported, and indicated the article to be a natural spring water without additions or abstractions of any kind, whereas, in truth and in fact, such was not the fact, and sodium sulphate, magnesium sulphate, and a little sodium chlorid had been added to the article, and that by reason of the facts aforesaid, the article was further misbranded, in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof.

On July 16, 1913, no claimant having appeared for the property, although the West Baden Springs Co., West Baden, Ind., the bottler and shipper, and the firm of Levi & Ottenheimer, Cincinnati, Ohio, were given due, legal, and actual notice of the proceedings herein, an order pro confesso was entered, and thereafter on November 5, 1913, final judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1914.

**3137. Adulteration and misbranding of syrup. U. S. v. 300 Cases of Syrup. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5270. S. No. 1856)**

On July 2, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 24 cans of so-called Clifton Brand Golden Syrup, remaining unsold in the original unbroken packages and in the possession of the Kroger Grocery and Baking Co., Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Clifton Brand Golden Syrup 2 Doz #2½ Put up for Kroger Gro. & Baking Co Cincinnati, Columbus, Dayton, Ohio, & St. Louis, Mo." (On cans) "Clifton Brand (Pictorial design and representation of a sugar cane field and negro harvesters,) Golden Syrup; \* \* \* \* Clifton Brand (Pictorial design and representation of a girl picking flowers in a meadow) Packed for and Guaranteed by The Kroger Grocery & Baking Co Serial No. 30194 Cincinnati, Columbus, Dayton, O., and St. Louis, Mo."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, glucose, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength, the said article of food by its label aforesaid purporting to be a cane syrup. Adulteration was alleged for the further reason that a certain substance, to wit, glucose, had been substituted in part, that is to say, to the extent of 89.5 per centum for the article of food which by its label aforesaid purported to